

of common pleas may each pass all orders *nisi* for the ratification of sales made and reported under decrees or orders of the court of which he is clerk, but not final orders.

An. Code, 1924, sec. 37. 1912, sec. 33. 1904, sec. 32. 1888, sec. 30. 1852, ch. 173, sec. 2.

44. Every clerk may issue commissions to take testimony in common-law cases to the standing commissioners appointed by his court for that purpose, and, if the parties agree thereto in writing, may issue a commission to any person or persons named in such agreement.

If the clerk in issuing the commission writes the defendant's name as "John Turner," whereas it should have been "John Peterson," and there is nothing to show that there is no case in the court against "John Turner," the commission is not evidence. *Ellicott v. Peterson*, 4 Md. 485.

See art. 35, sec. 24, *et seq.*

An. Code, 1924, sec. 38. 1912, sec. 34. 1904, sec. 33. 1888, sec. 31. 1852, ch. 173, sec. 4.

45. They may pass and issue orders of publication to notify non-resident defendants.

An. Code, 1924, sec. 39. 1912, sec. 35. 1904, sec. 34. 1888, sec. 32. 1742, ch. 10, sec. 2. 1800, ch. 82, sec. 3.

46. No clerk shall receive any fees or compensation for services rendered as clerk, until he has given bond, executed and approved as herein provided.

See secs. 18, 24 and 58, *et seq.*

An. Code, 1924, sec. 40. 1912, sec. 36. 1904, sec. 35. 1888, sec. 33. 1731, ch. 15, sec. 2.

47. Every clerk shall make out accounts of his fees in a fair, legible hand, and in words at length.

Object and intent of this section discussed. *Jamison v. State*, 55 Md. 103.

As to fees chargeable by clerks of courts, see art. 36, sec. 12.

An. Code, 1924, sec. 41. 1912, sec. 37. 1904, sec. 36. 1888, sec. 34. 1731, ch. 15, sec. 3.

48. He shall deliver to either plaintiff or defendant (if required) full copies, in a fair, legible hand, of all the costs of suit recovered by or against the party requiring the same; and on failure to do so he shall forfeit and pay thirty dollars.

As to costs, see art. 24.

An. Code, 1924, sec. 42. 1912, sec. 38. 1904, sec. 37. 1888, sec. 35. 1794, ch. 54, sec. 10.

49. In all suits brought on bonds given to the State, the clerk, before he issues the writ, shall endorse thereon the name of the party at whose instance and for whose use such suit is instituted.

An. Code, 1924, sec. 43. 1912, sec. 39. 1904, sec. 38. 1888, sec. 36. 1838, ch. 275. 1839, ch. 25. 1870, ch. 295.

50. The clerks of the several courts of this State, and their deputies, are hereby empowered to administer oaths upon all legal papers for file in their respective offices upon which affidavits are required by law.

As to fees for administering oaths, see art. 36, sec. 12.

An. Code, 1924, sec. 44. 1912, sec. 40. 1904, sec. 39. 1888, sec. 37. 1790, ch. 51, sec. 14.

51. No clerk shall deliver the laws and public documents sent to him by the librarian to any other person than to him who is entitled to receive the same, or to his order in writing, under the penalty of fifteen dollars.